IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR

ORDER

S.B. CIVIL WRIT PETITION No.3501/2002
GHANSHYAM SHARMA V/S THE UNIVERSITY OF RAJ. & Anr.

DATE OF ORDER 22.2.2007

PRESENT

HON'BLE MR. JUSTICE MOHAMMAD RAFIQ

Dr. Arun Chaturvedi for the petitioner.
Miss Shital Mirdha for Shri Alok Sharma for respondents.

Heard learned counsel for the parties.

The petitioner has come up in this writ petition with the prayer that the respondent University be directed to accept his examination form for permitting him to appear in due papers of Pharmacology & Texicology in Diploma in Pharmacy – II by treating his appearance as IVth attempt. The respondents have however contested the claim of the petitioner. According to them the petitioner appeared in three consecutive examinations but failed and he was required to attempt the IVth chance in continuity. But according to the petitioner, he could not appear in IVth examination due to acute arthritis in his knee joint (Right), for which reason, the petitioner was hospitalised at the relevant time and in fact had to be operated upon, therefore he could not appear in the IVth examination. Instead he applied to appear in the next examination but when the respondents did not allow him to appear, he attempted the said papers under direction of the court.

The examination of such paper was held on 2.9.2002.

Learned counsel for the respondents has opposed the writ petition and has cited the provisions of Ordinance 278-H(IV) and has argued that according to the aforesaid provisions, a candidate who fails in the main examination may at his option, take the examination in parts in one or more subjects in which he has failed or in whole provided that he should pass in all the subjects in four consecutive examinations. Learned counsel for respondents argued that four chances of examination provided to the candidates have to be availed of by him/her in continuity which is indicated from the use of the word “consecutive” in the language of Ordinance 278-H (IV). It was therefore prayed that the writ petition be dismissed.

Without expressing any opinion on merits of the case, I deem it appropriate to set at liberty to make a representation to the Vice Chancellor of the University of Rajasthan who is endowed with discretionary powers and it is expected of the Vice Chancellor to consider the case of the petitioner keeping in view the genuine hardship of the petitioner and pass appropriate order on such representation as expeditiously as possible.

With these observations, this writ petition is disposed of with no order as to costs.

(Mohammad Rafiq),J.

Chauhan/